

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

In the specification, paragraphs have been amended on pages 1, 3, and 5.

New claim 14 has been added.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-14 are now pending in this application.

The Office Action Summary indicates that a drawing objection has been made but no drawing objection has been provided in the Office Action. As a result, no drawing objection has been made.

Information Disclosure Statement

Applicant acknowledges receipt of a signed and initialed copy of the PTO/SB/08 form submitted with the Information Disclosure Statement of April 8, 2010. Applicant notes that an Information Disclosure Statement and PTO/SB/08 form were submitted on January 27, 2011. Applicant respectfully requests that the Office provide a signed and initialed copy of the PTO/SB/08 form with the next Office correspondence.

Objections to the Specification

The specification is objected to for containing informalities. Applicant respectfully submits that the amendments to the specification render these objections moot. Reconsideration and withdrawal of these objections is respectfully requested.

Rejection under 35 U.S.C. § 102

Claims 1-8, 10, and 13 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,927,394 to Mendler *et al.* (hereafter “Mendler”). This rejection is respectfully traversed.

Mendler discloses a housing block 1 of a stacking disk oil cooler constructed of trough-shaped plates 2 stacked one above another with edges 2a which mutually overlap. See Mendler at col. 2, lines 26-31. Mendler states that the lowest of the plates, plate 2', is surrounded by a reinforcing disk 12 and is soldered to the lower plate 2'. See Mendler at col. 2, lines 55-59, and Figures 2 and 5.

The reinforcing disk 12 has upright tabs 13, 14 on its longitudinal and transverse sides which bend at an angle α so that an area of a bend 15 of the edges 2a of the lowest plate 2' do not rest against the reinforcing disk 12. See Mendler at col. 2, line 59, to col. 3, line 3, and Figures 3, 4, and 5. Mendler discloses that no tabs are provided in the curved deflection area between the longitudinal sides and the transverse sides of the reinforcing plate 12. See Mendler at col. 3, lines 11-15, and Figures 3 and 4. Mendler discloses that the cooler further includes a base plate 17 with a surrounding edge 18 and that the reinforcing plate 12 is soldered to the base plate 17. See Mendler at col. 3, lines 16-27, and Figure 2.

The Office argues on pages 3-4 of the Office Action that the base plate 17 of Mendler provides a depression with a contour having a shape that is the same shape as an entire outer edge of a bottom surface of the lowest plate 2' of Mendler.

However, the lowest plate 2' of Mendler is not in direct contact with the base plate 17, as recited in amended claim 1. Instead, Mendler discloses that the lowest plate 2' is soldered to the reinforcing disk 12, which in turn is soldered to the base plate 17. See Mendler at col. 3, lines 16-27, and Figures 2 and 5. As a result, the reinforcing disk 12 is in direct contact with the base plate 17 of Mendler and separates the lowest plate 2' from the base plate 17 so that they are not in direct contact, as shown in Figures 2 and 5 of the Mendler.

Further, the reinforcing plate 12 of Mendler does not provide an adjacent outermost heat exchanger plate in direct contact with a base plate, wherein the base plate comprises a

depression with a contour having a shape that is the same shape as an entire outer edge of a bottom surface of the adjacent outermost heat exchanger plate, as recited in amended claim 1.

Instead, the reinforcing plate 12 of Mendler includes tabs 13, 14 which project outwards on the bottom surface of the reinforcing plate 12, as shown in Figures 3 and 4 of Mendler. Mendler does not disclose that the base plate 17 includes a depression with a contour having a shape that is the same shape as the bottom surface of the reinforcing plate 12 shown in Figure 3, which includes the side projections on the bottom surface forming the tabs 13, 14. Instead, Mendler indicates in Figure 2 that the base plate 17 forms a depression with a different shape than that shown for the bottom surface of the reinforcing plate 12 in Figure 3 of Mendler.

For at least these reasons, the lower plate 2' and the reinforcing plate 12 of Mendler each do not provide an adjacent outermost heat exchanger plate in direct contact with a base plate, wherein the base plate comprises a depression with a contour having a shape that is the same shape as an entire outer edge of a bottom surface of the adjacent outermost heat exchanger plate, as recited in amended claim 1, and Mendler does not anticipate claim 1. Reconsideration and withdrawal of this rejection is respectfully requested.

Rejection under 35 U.S.C. § 103

Claims 9, 11, and 12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Mendler in view of U.S. Patent No. 5,931,219 to Kull *et al.* (hereafter "Kull"). This rejection is respectfully traversed. Kull fails to remedy the deficiencies of Mendler discussed above in regard to independent claim 1, from which claims 9, 11, and 12 depend. Reconsideration and withdrawal of this rejection is respectfully requested.

New Claim

New claim 14 has been added. Claim 14 depends from claim 1 and is allowable over the prior art for at least the reasons discussed above and for its additional recitations.

Conclusion

Applicant submits that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date

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By

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